

Page 50, at the end of the specification, insert the printed Sequence Listing submitted concurrently herewith.

IN THE CLAIMS:

Claim 3, line 2, after "sequence" insert --(SEQ ID NO: 1)--.

Claim 4, line 2, after "sequence" insert --(SEQ ID NO: 2)--.

REMARKS

Applicants submit this Amendment to insert the required references to SEQ ID NOS of the Sequence Listing filed concurrently herewith, and to indicate the insertion point for the Sequence Listing. Applicants respectfully request examination on the merits of this application.

In response to the restriction requirement, applicants hereby elect the claims of Group II, Claims 32-41, for initial prosecution on the merits. The elected claims are product claims. Under the doctrine set forth in *In re Ochiai*, once product claims are found to be allowable, claims to methods of making the product must be rejoined and examined in the present case. The claims of Group I are claims to methods of making the product of Group II, and must therefore be rejoined and examined once the product claims are found to be allowable.

The present Action further communicates a requirement for an election of species for examination at the present time. Applicants elect for initial prosecution peptide platforms and anti-bacterial compounds. Of the Group II claims, claims 3²₁, 33-38, and 40 are readable on the elected species. Of the Group I claims (once they are rejoined), claims 1-12 and 14-31 are readable on the elected species.

Receipt of the initial Office Action on the merits is awaited.

Respectfully submitted,

Sept. 17, 1999
Date

Bernhard D. Saxe
Bernhard D. Saxe
Reg. No. 28,665

FOLEY & LARDNER

3000 K Street, N.W., Suite 500

Washington, D.C. 20007-5109

Telephone: (202) 672-5300

Facsimile: (202) 672-5399